

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, OCTOBER 15, 2018**

"Slip opinions" are the opinions delivered by the Supreme Court Justices and are subject to modification, rehearing, withdrawal, or clerical corrections. Modifications to previously posted opinions will be linked to the case number in the petition for rehearing section the day the changes are announced.

Click on the case number to view the opinion in pdf format.

OPINIONS

[2018 CO 81](#)

[Supreme Court Case No. 16SC721](#)
Certiorari to Colorado Court of Appeals
Court of Appeals Court Case No. 2015CA485

Petitioner:

Francis Ybarra,

v.

Respondent:

Greenberg & Sada, P.C., a Colorado corporation.

Judgment Affirmed
en banc

CHIEF JUSTICE COATS delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2018 CO 82](#)

[Supreme Court Case No. 16SC552](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 13CA2155

Petitioner:

Nicholas Javier Zapata,

v.

Respondent:

The People of the State of Colorado.

Judgment Affirmed

en banc

JUSTICE HOOD delivered the Opinion of the Court.

JUSTICE HART specially concurs, and **JUSTICE GABRIEL** joins in the special concurrence.

JUSTICE SAMOUR dissents, and **CHIEF JUSTICE COATS** joins in the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2018 CO 83](#)

[Supreme Court Case No. 15SC754](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 10CA2481

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Edward Kevin DeGreat.

Judgment Affirmed
en banc

JUSTICE GABRIEL delivered the Opinion of the Court.
CHIEF JUSTICE COATS dissents, and **JUSTICE BOATRIGHT** and **JUSTICE SAMOUR**
join in the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

2018 CO 84

Supreme Court Case No. 18SA169

Interlocutory Appeal from the District Court
Mesa County District Court Case No. 17CR2308
Honorable Gretchen B. Larson, Judge

Plaintiff-Appellant:

The People of the State of Colorado,

v.

Defendant-Appellee:

Edwin Liaon Bailey.

Order Reversed

en banc

JUSTICE SAMOUR delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

[2018 CO 78M](#)

[Supreme Court Case No. 15SC292](#)

Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 12CA703

Petitioner:

Ismael Casillas,

v.

Respondent:

The People of the State of Colorado.

**Opinion modified, and as modified, Petition for Rehearing DENIED. EN BANC.
JUSTICE GABRIEL does not participate.**

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

2018 CO 76

Supreme Court Case No. 17SC241
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 13CA239

Petitioner:

C. Randel Lewis, solely in his capacity as receiver,

v.

Respondent:

Steve Taylor.

Petition for Rehearing DENIED. EN BANC.
JUSTICE HART would grant the petition.

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 18SC44, Court of Appeals Case No. 14CA1234

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Abdu-Latif Kazembe Abu-Nantambu-EL.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a violation of section 16-10-103(1)(k), C.R.S. (2018), which does not expressly provide for dismissal as a remedy, qualifies as a violation of an express legislative mandate.

Whether the Sixth Amendment applies to violations of section 16-10-103(1)(k), C.R.S. (2018), which provides greater protection than that required by federal due process.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC84, El Paso County District Court Case No. 17CV30785

Petitioner:

Alysha Walton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the district court erred in finding no abuse of discretion where the trial court imposed a prohibition against the use of medical marijuana on probation without basing that prohibition on any material evidence that the prohibition was necessary and appropriate to accomplish the goals of sentencing, thereby denying her rights under the Colorado Constitution.

No. 18SC144, Court of Appeals Case No. 14CA1097

Petitioner/Cross-Respondent:

Brandon D. Campbell,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. Cross-Petition for Writ of Certiorari DENIED. EN BANC.

[REFRAMED] Whether the district court plainly erred when it allowed a DNA expert to give surrogate expert testimony about DNA profile results that she did not participate in testing.

[REFRAMED] Whether the prosecution constructively amended the complaint when it charged a specific felony in a habitual offender count but introduced evidence of a different felony at the habitual offender hearing.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

HELD PETITION FOR WRIT OF CERTIORARI

18SC415, Townsell v. People
Held pending 17SC830, People v. Espinoza

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 17SC889, Court of Appeals Case No. 14CA2173

Petitioner:

Robin Clifton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC36, Court of Appeals Case No. 14CA442

Petitioner:

Pedro Luis Mosqueda-Torres,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC64, Court of Appeals Case No. 14CA415

Petitioner/Cross-Respondent:

Tember Terri Rector,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

Petition and Cross-Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD would grant as to the following issues:

Whether newly discovered evidence of prior injuries to an allegedly abused child – who respondent’s primary witness determined was abused largely because he did not believe the child had preexisting conditions – required a new trial.

Whether petitioner’s Crim. P. 35(c) claim based on newly discovered evidence is successive to her prior direct appeal where she could have raised a claim regarding the denial of her motion for a new trial based on newly discovered evidence.

No. 18SC121, Court of Appeals Case No. 14CA1170

Petitioner:

Jose Sanchez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC159, Court of Appeals Case No. 14CA800

Petitioner:

Bruce Joseph Nozolino,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC193, Court of Appeals Case No. 15CA1261

Petitioner:

Lynard Derick Jaramillo,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

No. 18SC243, Court of Appeals Case Nos. 16CA1646 & 17CA74

Petitioner:

Donna Scott,

v.

Respondent:

Roseann Scott.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC252, District Court, City and County of Broomfield Case No. 17CV30078

Petitioner:

Kurt Junge,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC276, Arapahoe County District Court Case No. 17CV30204

Petitioner:

Anthony Locke,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC296, Court of Appeals Case No. 16CA972

Petitioner:

David K. Jenner,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
CHIEF JUSTICE COATS does not participate.

No. 18SC314, Court of Appeals Case No. 15CA703

Petitioner:

Felix Jerry Reyes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC315, Court of Appeals Case No. 17CA51

Petitioners:

Maralex Resources, Inc., a Colorado corporation; A.M. O'Hare; and Mary C. O'Hare,

v.

Respondent:

Colorado Oil and Gas Conservation Commission.

Petition for Writ of Certiorari DENIED. EN BANC.

18SC357, Court of Appeals Case No. 16CA285

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

D. A. M.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC358, Court of Appeals Case No. 16CA1928

Petitioner:

Alvin Sartain,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC365, Court of Appeals Case No. 16CA1115

Petitioner:

Tilford Gash,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC366, Court of Appeals Case No. 16CA2068

Petitioner:

Eric J. Laurson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC367, Court of Appeals Case No. 2015CA1874

Petitioner:

Craig Edward Nelson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC378, Jefferson County District Court Case No. 17CV31625

Petitioner:

Stephanie Ward,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC393, Court of Appeals Case No. 15CA2073

Respondent:

The People of the State of Colorado,

In the Interest of

Petitioner:

K. M. H.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC400, Court of Appeals Case No. 17CA466

Petitioner:

Ronald Jennings Fogle,

v.

Respondent:

John W. Hickenlooper, in his official capacity as Governor of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE COATS does not participate.

No. 18SC404, Court of Appeals Case No. 14CA1929

Petitioner:

Steven Fisher Henson,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC408, Court of Appeals Case No. 17CA1918

In re the Parental Responsibilities Concerning

N. Y. J.,

and Concerning

Petitioner:

Phadra Wilson,

and

Respondent:

James Jackman.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD does not participate.

No. 18SC417, Court of Appeals Case No. 16CA1906

Petitioner:

LeRoy Arlen Wallace,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC421, Adams County District Court Case No. 17CV31132

Petitioner:

Christopher Breceda,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC422, Court of Appeals Case No. 15CA1963

Petitioner:

Feliciano Bautista,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC424, Court of Appeals Case No. 15CA1391

Petitioner:

Donald Wayne Becker,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC425, Court of Appeals Case No. 17CA1152

Petitioner:

Joseph A. Camp,

v.

Respondent:

Daniel Brennan.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC427, Court of Appeals Case No. 14CA2139

Petitioner:

John Holland Brothers,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC430, Court of Appeals Case No. 15CA1559

Petitioner:

Joshua Allen Graves,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC431, Court of Appeals Case No. 15CA1923

Petitioner:

Randy Laverne Rezac,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC441, Court of Appeals Case No. 16CA1608

Petitioner:

Gordon L. Johnston,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC443, Court of Appeals Case No. 17CA113

Petitioner:

Bobby R. Hayes,

v.

Respondent:

Robin Feffer.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC449, Chaffee County District Court Case No. 17CV30042

Petitioner:

Jada Davis,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC450, Montezuma County District Court Case No. 17CV30062

Petitioner:

Heather Roe,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC456, Court of Appeals Case No. 16CA1610

Petitioner:

James Edward Thomas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC458, Court of Appeals Case No. 15CA1863

Petitioner:

Alexander Noel Garcia,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC460, Court of Appeals Case No. 16CA853

Petitioner:

Thomas Dean Tillery,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC461, Court of Appeals Case No. 16CA1838

Petitioner:

Douglas Brian Bromberg,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC462, Court of Appeals Case No. 16CA799

Petitioner:

Dartanin Duran Mitchell,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC466, Court of Appeals Case No. 15CA2116

Petitioner:

Kimberly Renee Howerton,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC467, Court of Appeals Case No. 16CA399

Petitioner:

Marcos Rodriguez-Andrades,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 18SC642, Court of Appeals Case No. 17CA1812

Petitioner:

D. C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

Da. C.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC647, Court of Appeals Case No. 17CA648

Petitioner:

J. B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

K. D. B.,

and Concerning

C. L. n/k/a C.B.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 18SC648, Court of Appeals Case No. 17CA296

Petitioner:

K. A. B.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

Z. M. L. B. and T. A. J. B.,

and Concerning

J. B.

Petition for Writ of Certiorari DENIED. EN BANC.
